



## COMMITTEE MEMORANDUM

TO: Commissioner Matti Bower, Chairperson  
Commissioner Luis R. Garcia, Jr., Chairperson  
**Members of the Ad Hoc Condominium Reform Taskforce**  
Alex Annunziato – Appointed by Commissioner Matti Bower  
Nina Baliga – Appointed by Commissioner Luis R. Garcia, Jr.  
VACANT – Appointed by Commissioner Richard Steinberg  
Joe Fontana – Appointed by Commissioner Saul Gross  
Michael C. Gongora – Appointed by Commissioner Richard Steinberg  
Calvin Kohli – Appointed by Commissioner Saul Gross  
Luis Maseda – Appointed by Commissioner Jerry Libbin  
Milli Membiela – Appointed by Commissioner Simon Cruz  
Barbara Montero – Appointed by Commissioner Jerry Libbin  
Maria Elena Negrin – Appointed by Commissioner Luis R. Garcia, Jr.  
Rocio Sullivan – Appointed by Commissioner Simon Cruz  
Stevan M. Zaiman – Appointed by Commissioner Matti Bower  
Morris Sunshine- Appointed by Mayor David Dermer  
Justo Gomez- Appointed by Mayor David Dermer

FROM: City Manager, Jorge M. Gonzalez

DATE: May 16, 2006

SUBJECT: Meeting of the Ad Hoc Condominium Reform Taskforce

A meeting of the Ad Hoc Condominium Reform Taskforce has been scheduled for May 16, 2006 at 6:00PM in the City Manager's Large Conference Room.

### AGENDA

1. Minutes of the May 2, 2006 Ad Hoc Condo Reform Taskforce
2. Discussion regarding the future of the Taskforce (possibility of making it a permanent committee, a type of local "ombudsmanship" for Miami Beach)
3. Discussion regarding eliminating the TCO process for Miami Beach
4. Written Report by City Attorney's Office on legal liability to the City, if any, created by courtesy noticing owners of violations to common areas
5. Written Report by City Attorney's Office on how to address the following recommendation:  
Amend the City's Occupational Code Provisions—Provisions could be considered that would require condominium associations, at license renewal, to provide confirmation that all unit owners have been provided notice of all code violations in the building's common areas.
6. Report on mechanism the City proposes for courtesy noticing all owners when a condominium's common area receives a violation- City Manager's Office
7. Resignation letter of Ad Hoc Condo Taskforce Member

# **Minutes of the May 2, 2006 Ad Hoc Condo Reform Taskforce**

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

## MEMORANDUM

TO: Mayor David Dermer and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: May 16, 2006

SUBJECT: **MINUTES OF THE AD HOC CONDOMINIUM REFORM TASKFORCE MEETING OF MAY 2, 2006**

The meeting of the Adhoc Condominium Reform Taskforce was held on Tuesday, May 2, 2006. **The attendees were as follows:** Taskforce members Commissioner Matti Herrera Bower, Commissioner Luis R. Garcia, Jr., Joe Fontana, Justo Gomez, Michael C. Gongora, Calvin Kohli, Luis Maseda, Barbara Montero, Morris Sunshine, Maria Elena Negrin, Rocio Sullivan and Stevan M. Zaiman

**Absent:** Alex Annuziato, Nina Baliga

**City Staff:** Dolores M. Mejia, Special Projects Administrator; Tim Hemstreet, Assistant City Manager and Rhonda Montoya Hassan First Assistant City Attorney

### 1. Minutes of the April 4 , 2006 Ad Hoc Condo Reform Taskforce

*MOTION: Motion to approve minutes made by Joe Fontana; Seconded by Calvin Kohli.*

*VOTE: Unanimously approved*

### 2. Report by City Attorney's Office on how to address the following recommendation:

**Amend the City's Occupational Code Provisions**—Provisions could be considered that would require condominium associations, at license renewal, to provide confirmation that all unit owners have been provided notice of all code violations in the building's common areas.

*Requests made by Commissioner Garcia:*

- *Have opinions from the City Attorney's Office submitted in written form to be included in the agendas*
- *Request to have attorney present from the City Attorney's Office*
- *Progress Report to Commission on May11,2006 Commission Meeting*

*MOTION made by Joe Fontana – City Attorney ordinance to make it compulsory for the City Code Condo Association to notify unit owners of Code Violations. Legal to find an enforcement mechanism.*

*Seconded by Justo Gomez*

- *Unanimously approved*



### **3. Progress report to Committee**

*Announced resignation of Frank Del Vecchio. Request that resignation letter be included in the next Taskforce Agenda.*

*Announced the removal of Alex Annunziato from the Taskforce due to 4 absences. Dolores Mejia to notify the City Clerk.*

*MOTION made by Joe Fontana: Change composition of taskforce alternate chairmanship alternate chairmanship between Commissioner Garcia and Commissioner Bower. Under this scenario, one of the Commissioners would serve as a non-voting observer. This would alternate every other meeting as noted above.*

*Seconded by Calvin Kohli*

- *Unanimously approved*

### **4. Report on whether a courtesy notice can be sent to all owners when a condominium's common area receives a violation.**

*Request from Commissioner Bower:*

*Legal – research if sending a courtesy notice about violations in common areas will pose any liability.*

*MOTION made by Morris Sunshine – approve #4 on the agenda – go forward with courtesy noticing.*

*MOTION made by Maria Elena Negrin – change the City of Miami Beach's procedure for noticing condo associations/"owners" of violations in common areas and to post violations regardless of whether condominium association/"owners" accepts noticing/receives.*

*Seconded by Justo Gomez*

- *Unanimously passed*

*MOTION made by Rocio Sullivan – City of Miami Beach send courtesy notice to all unit owners when there is a violation in a common area.*

*Seconded by Calvin Kohli.*

- *Unanimously passed.*

*Commissioner Bower – staff to review which violations should be included in courtesy notices.*

**MOTION TO ADJOURN: Motion made by Commissioner Bower; All in favor.**  
**VOTE: Meeting adjourned.**

# AD HOC CONDOMINIUM REFORM TASKFORCE MEETING

Tuesday, May 2, 2006 @ 6:00 P.M.

City Manager's Large Conference Room

## Attendance Sheet

NAME	E-MAIL ADDRESS	CONTACT NUMBERS	FAX NUMBER
1. LUIS D. MASEDA	AMW @ OPEALTY.COM	305-864-8822	
2. JOE FONTANA	@	305-861-0054	305-861-0059
3. J.V. HERMAN	1130 11 <sup>TH</sup> ST, UNIT 4A, M.B., FL 33139	305-534-1953	N/A
4. JUSTO GARCIA	JGarcia 400 @ AOL.COM	305-861-8150	
5. STEVEN ZAIMAL	SZaimal @ egethlink.net	786-246-1618	
6. M. SUMARHEIN	465 OCEAN @	305-672-7098	
7. Barbara Montero	Wm @ the-beach.net	305-673-2812	
8. MARIA ELENA NECAIN	BALIANOGRA @ BELLS	7-367-7112	
9. ALVIN KOHLI	CKohl @ AOL.COM	305-315-6210	305-947-6699
10. Phil Mumbach	Memvil @ AOL.COM	305-815-5148	305-538-0328
11. ANDRES R. VILLARREAL	AVillarre @ Miami Beach FC GOV	305-673-7000 ext 6551	
12. Michael Gonzaga	mgongora @ becker-polak off. com	305-260-1014	305-442-2232
13. MARIAM KOCH	KochGene @ AOL.COM	786-486-2143	
14. Marilyn Saramillo	MS16 @ NTRS.COM	305-789-1523	
15. SIDNEY GOLDIN	@	305-866-9066	
16. LOIS R. GARCIA	LOIS @ MIAMI BEACH FL GOV	305-673-7105	
17. Mattie Barnes	@		
18. Rocio Sullivan	rosullivanny @ msn.com	(786) 210-6250	(305) 531-2322
19.	@		
20.	@		

**Discussion regarding the future of the Taskforce (possibility of making it a permanent committee, a type of local “ombudsmanship” for Miami Beach)**

**(DISCUSSION ONLY)**

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# Discussion regarding eliminating the TCO process for Miami Beach

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CITY OF MIAMI BEACH  
City Attorney's Office  
Memorandum

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**To:** Ad Hoc Condominium Reform Taskforce

**Date:** May 12, 2006

**From:** Rhonda Montoya Hasan   
First Assistant City Attorney  
Legal Advisor, Building and Fire Departments

**Subject:** Temporary Certificates of Occupancy (TCO's)

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Under the Florida Building Code, the authority to extend TCO's rests with the City's Building Official. 1 The Building Official has the discretion to extend or deny any TCO request. If a building does not have a valid TCO (or CO), it may be subject to immediate closure and the vacation of its residents.

I am advised by the Building Official that any and all requests will be treated on a case by case basis as it is done in the rest of the State.

If I may be of further assistance, please advise.

RMH:mm

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1 This is a change from the South Florida Building Code which allowed the Building Official to extend a TCO one time. After the initial extension, all requests for extensions of TCO's were reviewed and ruled on by the Miami Dade County Board of Rules and Appeals.



**Written Report by City Attorney's Office on legal liability to the City, if any, created by courtesy noticing owners of violation to common areas**

**Memorandum to be submitted at meeting**

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**Written Report by the City Attorney's Office on  
how to address the following  
recommendation:**

**Amend the City's Occupational Code  
Provisions**—Provisions could be considered that  
would require condominium associations, at license  
renewal, to provide confirmation that all unit owners  
have been provided notice of all code violations in  
the building's common areas.

**Memorandum to be distributed at meeting**

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# **Report on mechanism the City proposes for courtesy noticing all owners when a condominium's common area receives a violation**

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## MEMORANDUM

TO: Ad Hoc Condominium Reform Taskforce Name and Title

FROM: Tim Hemstreet, Assistant City Manager

DATE: May 16, 2006

SUBJECT: **Report on mechanism the City proposes for courtesy noticing all owners when a condominium's common area receives a violation.**

Pursuant to your request at the May 4, 2006 Taskforce meeting, the Administration has met and the following is submitted for your review and further discussion at the May 16, 2006 meeting.

- Shall the noticing be done via postcard, in order to minimize staff time processing; and
- Shall IT be directed to create a program which the Clerk's for the Special Master enters only the address of the condo and the computer program printout the name and mailing address of all condo owners on the postcards. IT needs to determine if the printers in the Special Master's office can print postcards. (Some condo's have 400-600 units)
- Legal needs to generate the standard legal notice language which will be preprinted on the postcard.
- Money needs to be added to City Clerk's budget to cover this added expense.

The noticing would be a one-time courtesy notice of the first hearing before a special master to all condo unit owners in the condo when there is/are violations in the common area.

# Resignation letter of Ad Hoc Condo Taskforce Member

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*Frank Del Vecchio*  
*301 Ocean Drive Apt. 604*  
*Miami Beach, FL 33139-6991*  
*Tel. 305-672-2486*  
*Fax. 305-672-0807*  
*e-mail: frankdelvecchio@att.net*

RECEIVED  
2006 APR 19 PM 4:17  
CITY MANAGERS OFFICE  
BY \_\_\_\_\_

April 19, 2006


Robert Parcher  
City Clerk  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

SUBJ: Resignation From Ad Hoc Condominium Reform Task Force

Dear City Clerk:

This is my resignation from the ad hoc Condominium Reform Task Force, effective this date.

Sincerely,

  
Frank Del Vecchio

Cc: Commissioner Luis Garcia, Jr.  
Commissioner Matti Bower  
Commissioner Richard Steinberg  
Assistant City Manager Tim Hemstreet





**City of Miami Beach**, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

OFFICE OF THE CITY CLERK, Robert Parcher, City Clerk  
TEL: (305) 673-7411, FAX: (305) 673-7254

May 10, 2006

Mr. Frank Del Vecchio  
301 Ocean Dr #604  
Miami Beach, FL 33139


Dear Mr. Del Vecchio

We received your letter of resignation from the **Ad Hoc Condominium Reform Task Force**

The City Commission has requested that I convey to you its appreciation for your contributions of time and effort, and for the interest shown by you throughout your service to this board.

Please note that regrettably, the parking decal will no longer be honored since your term of membership on the committee has ended.

Thank You,

  
Robert E. Parcher  
City Clerk

cc: Saul Frances, Parking Director  
City Commission  
Tim Hemstreet, Asst. City Manager

RECEIVED  
2006 MAY 11 PM 4:20  
CITY MANAGERS OFFICE  
BY \_\_\_\_\_



**City of Miami Beach**, 1700 Convention Center Drive, Miami Beach, Florida 33139, [www.miamibeachfl.gov](http://www.miamibeachfl.gov)

OFFICE OF THE CITY CLERK, Robert Parcher, City Clerk  
TEL: (305) 673-7411, FAX: (305) 673-7254

May 10, 2006

Alex Annunziato  
221 Meridian Ave #304  
Miami Beach, FL 33139

**SUBJECT: AD HOC CONDO REFORM TASK FORCE**

Dear Mr. Annunziato:

The City Clerk's office has been advised that you have failed to attend 4 meetings. Pursuant to City Code 97-3086, if any member of an agency, board or committee fails to attend 33 percent of the regularly scheduled meetings per calendar year, such member shall be automatically removed, pursuant to Ord.No.99-3168, § 22, (9) and a vacancy created.

On behalf of the Commission may we express its regret at your being unable to attend these meetings and express its appreciation for the service rendered during your membership on this committee.

Please note that regrettably, the parking decal will no longer be honored since your term of membership on the committee has ended.

Thank you,

Robert Parcher  
City Clerk

cc: Saul Frances  
Tim Hemstreet, Asst. City Manager  
City Commission

RECEIVED  
2006 MAY 11 PM 4:20  
CITY MANAGERS OFFICE  
BY \_\_\_\_\_